

1. Claims 15-30, 41-46, 51-52, 61-62 and 65-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 15 has been amended to recite a step of “removing imprintable material in the periphery of each of the plurality of optical elements” and there does not appear to be any support for doing so in the periphery of each of the optical elements. Paragraph 0076 teaches that “polymer on the portions not constituting the elements themselves may be removed”, but it is not clear exactly where the polymer would be removed—ie, exactly where these portions would be. It is submitted that there is insufficient disclosure—at least in this paragraph—to support the instant recitation and no other disclosure concerning this can be found in the specification. It would appear that applicant can support a broad step of removing polymer—ie, imprintable material—at areas not constituting the individual elements themselves. However, the instant recitation is much more specific and applicant needs to point out exactly where support for it exists or otherwise amend claim 15 to what is supported in the specification as originally filed.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-23, 27-30, 41-46 51, 52, 61, 62 and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Chou -905 essentially for reasons of record as set forth in paragraph 1 of the previous action with these additional comments.

Applicant has amended claim 15 to recite a step of “removing imprintable material in the periphery of each of the plurality of optical elements” and it is submitted that this would have been an obvious modification to the process of Harris et al to ensure that the substrate (14, 12) with the replicated optical elements thereon is “clean” and ready to be bonded to the lens cover substrate (16) –see the bonding of 14 and 16 in Fig. 1 of Harris et al. It is submitted that the cleaning of a piece containing plastic replicated features thereon is conventional in the art and would have been obviously performed to whatever extent deemed necessary to remove “flashing” or plastic material in places where it is not needed or desired. It is submitted that the separation disclosed in Harris et al, along lines 28 in Figs. 1 and 2, would be “in the periphery of each of the plurality of optical elements” as recited in amended claim 15.

3. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Chou -905 and Napoli et al for reasons of record as set forth in paragraph 2 of the previous action and paragraph 2, supra.

4. Applicant's arguments filed September 22, 2011 have been fully considered but they are not persuasive. Applicant submits that the instant “removing imprintable material in a periphery of each of the plurality of optical elements” makes the instant claims allowable over the applied art as such art does not teach this step. However, it is

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submitted that applicant does not have clear support for this recitation in the first place, but merely the aspect of removing polymer from areas where it perhaps flowed to inadvertently during the imprinting or areas where it is simply not needed—ie, a “flashing” removal step. At any rate, even if the instant recitation is deemed to be supported by the specification, it is respectfully submitted that one of ordinary skill in the art would have found it obvious to have removed polymeric material from the imprinted substrate of Harris et al—be it at the edges or between individual elements-- to remove “flash” and provide for a “clean” imprinted substrate (14, 12) to be bonded to the lens cover substrate (16). This kind of cleaning is nothing but conventional in the art and would have been obvious to ensure the formation of the desired product, free of stray plastic that would be deleterious to the operation of the individual optical elements once they are cut.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATHIEU VARGOT whose telephone number is (571)272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
October 23, 2011

/Mathieu D. Vargot/  
Primary Examiner, Art Unit 1742